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IN THE

Supreme Court of the United States

No. 1207

October Term, 1945.

UNITED STATES OF AMERCIA,
Plaintiff-Respondent,

vs.

CITY OF PHILADELPHIA; RUFUS S. REEVES, DIRECTOR OF DEPARTMENT OF PUBLIC HEALTH, and HERBERT M. PACKER, CHIEF OF THE DIVISION OF HOUSING AND SANITATION OF THE DEPARTMENT OF PUBLIC HEALTH OF THE CITY OF PHILADELPHIA,
Defendants-Petitioners.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT WITH BRIEF IN SUPPORT THEREOF.

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UNITED STATES OF AMERICA,
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CITY OF PHILADELPHIA; RUFUS S. REEVES, DIRECTOR OF DEPARTMENT OF PUBLIC HEALTH, and HERBERT M. PACKER, CHIEF OF THE DIVISION OF HOUSING AND SANITATION OF THE DEPARTMENT OF PUBLIC HEALTH OF THE CITY OF PHILADELPHIA,

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PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT WITH BRIEF IN SUPPORT THEREOF.

TO THE HONORABLE, THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

The City of Philadelphia, a municipal corporation of the first class of the Commonwealth of Pennsylvania, Rufus S. Reeves, Director of the Department of Public Health, and Herbert M. Packer, Chief of the Division of Housing and Sanitation of the Department of Public Health of said City, petitioners, pray that a writ of certiorari be issued to review the judgment of the United States Circuit Court of Appeals for the Third Circuit, rendered on the 16th day of February, 1945, (Appendix pp. 27, 28), affirming the final decree of the United States District Court for the Eastern District of Pennsylvania granting an injunction as prayed for by the plaintiff.

SUMMARY STATEMENT OF THE MATTER INVOLVED.

The United States of America, acting under the alleged authority of the Act of Congress of October 14, 1940, C. 862, 54 Stat. 1125, 42 U.S.C. Section 1521 et seq., commonly known as the "Lanham Act", acquired title by condemnation to a tract of land within the corporate limits of the City of Philadelphia in the Commonwealth of Pennsylvania, and erected thereon a group of buildings for the declared purpose of providing housing facilities for workers engaged in industries deemed essential to the prosecution of the present war. Subsequently the Government proceeded to erect on said tract three additional buildings designated as the Community, Maintenance and Commercial Facilities (Stores) Buildings respectively, for the use and accommodation of the occupants of the said housing facilities, awarding the contracts therefor through the agency of the Philadelphia Housing Authority.

Those buildings were in course of construction in violation of divers material provisions of the Plumbing Code of the Commonwealth of Pennsylvania, Act of June 7, 1911, P. L. 680, as amended, 53 P. S. 4071 et seq.; and the Building Code of the City of Philadelphia (Ordinance of August 31, 1937, p. 433, Ordinance of 1937) adopted in pursuance to the express legislative authority contained in the Act of Assembly of April 14, 1937, P. L. 313, 53 P. S. 2224. Thereupon on October 20, 1943, Herbert M. Packer, Chief of the Division of Housing and Sanitation of the Department of Public Health of the City of Philadelphia advised the Philadelphia Housing Authority by letter that it would be necessary to file plans and secure permits for the construction of the proposed buildings. Notwithstanding that notice, the Government nevertheless proceeded to erect those buildings in disregard of the local plumbing and building codes aforestated.

Subsequently the Government instituted a civil action in the United States District Court for the Eastern District of Pennsylvania against the said Herbert M. Packer, Chief of the Division of Housing and Sanitation of the Department of Public Health, Rufus S. Reeves, Director of the Department of Public Health, and the City of Philadelphia praying for an injunction to restrain the defendants from interfering with the erection of said buildings in the manner aforestated.

Upon hearing before the Honorable Judge Harry E. Kalodner of that court, a final decree was entered granting said injunction. On appeal to the United States Circuit Court of Appeals for the Third Circuit, the decree of the District Court was affirmed in a per curiam opinion based upon the decision of that Court in the case of United States of America v. City of Chester, 3 Cir. 144, F. (2d) 415. That case arose out of the construction of housing units of an admittedly temporary character upon leased ground in the City of Chester, Pennsylvania, and subject to the express provision that following cessation of the present war those structures would be demolished. In instant case, on the

other hand, the buildings are admittedly of a permanent character, and following the end of the war, are to be sold and disposed of to private parties and persons, and to become integrated into the housing facilities of the City of Philadelphia.[1]

JURISDICTION.

Jurisdiction of this court is invoked pursuant to the Act of Congress of March 3, 1891, C. 517, Section 6, 26 Stat. 828 as amended: 28 U.S.C. Section 347.

The effect of the decision of the Circuit Court of Appeals is to nullify numerous vital and salutary provisions of the Pennsylvania Plumbing Code for cities of the first class, and of the local Building Code insofar as they apply to buildings of the type involved herein, namely permanent structures. While those buildings were originally intended for the purpose of providing housing facilities for persons engaged in essential industries during the present national emergency, are nevertheless intended to be ultimately sold to private parties to be used as dwellings, and to become permanently integrated into the housing facilities of the City of Philadelphia.

Wherefore there is involved in this case the construction of the Lanham Act, supra, and certain provisions of the Federal Constitution, particularly the war powers of Congress as enumerated in Section 8, of Article I; the Supremacy Clause contained in Article VI, Clause 2; and the Tenth Amendment.

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[1] See Lanham Act, 42 U. S. C. Sect. 1521 et seq.

THE QUESTIONS PRESENTED.

The questions presented for determination in the instant proceeding are the following:

Are local Building Laws enacted under the Police Power of the State, and must all permanent structures intended for private habitation be erected in compliance therewith?

Must the erection by the Federal Government of permanent dwelling units ultimately intended for use and occupancy by private individuals be in compliance with the local Building and Sanitation Laws?

Does an expression in an Act of Congress of an intent to sell housing facilities to private individuals necessarily involve a mandate that such facilities conform to the standards of health and safety established by the local law?

Does the Supremacy Clause of the Constitution empower an administrative officer of a Federal Housing Agency to ignore local regulations regarding structural safety and sanitation of dwelling units?

Is such authorization contained in the Lanham Act and if not, can it be supplied by implication?

REASONS RELIED ON FOR ALLOWANCE OF THE WRIT.

I. This case involves a question of wide scope and great public import namely, whether a Federal Housing Agency is vested with power to erect buildings within the corporate limits of a municipality, in disregard of the local laws regulating construction, erection and sanitation, where such buildings are intended for dwelling purposes and ultimately to be sold to the public and to become permanently integrated into the housing facilities of the municipality.

II. The opinion of the Circuit Court of Appeals for the Third Circuit in the instant case rendered February 16, 1945, asserts that there is no distinction between permanent structures and temporary ones, and relies upon the decision of that court in United States v. City of Chester, 144 F. (2d) 415, which involved housing units of a temporary character erected upon leased ground.

III. The effect of the lower court's decision is to hold that the Federal Administrator, in the exercise of his sole discretion, may supersede local building and health laws and regulations without any evidence of necessity therefor.

IV. Where the Federal Government directly or through a Federal Housing Agency asserts the right to disregard local laws regulating construction and sanitation of dwelling units, such authority should be expressly conferred by Act of Congress, and not read into a statute by implication.

V. The final determination of the issues involved in this case is of vital importance to every municipality in the United States. Upon such determination will depend the extent to which the several states of the Union and their municipal subdivisions may enforce their police powers to establish laws and regulations for the structural safety, health and sanitation of their housing facilities.

We therefore respectfully submit that this petition should be granted.

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BRIEF IN SUPPORT OF THE PETITION.

OPINIONS OF THE COURTS.

The opinion of the United States District Court for the Eastern District of Pennsylvania by Kalodner, J., is reported in 56 Fed. Supp. 862.

The Circuit Court of Appeals for the Third Circuit affirmed in a per curiam decision (No. 8763, October Term 1944) not yet reported.

STATUTES INVOLVED.

This cause involves the Act of Congress of October 14, 1940, c. 862, 54 Stat. 1125 as amended, 42 U.S.C. 1521 et seq; the relevant provisions of which are set forth in the appendix hereto.

Also involved herein is the Act of Assembly of the Commonwealth of Pennsylvania of June 7, 1911, Pamphlet Laws 1911, 680, 53 Purdon's Statutes 4071 et seq; and the Ordinance of the City of Philadelphia approved August 31, 1937 (page 433 Ordinances 1937) passed pursuant to an Act of Assembly of the Commonwealth of Pennsylvania approved April 14, 1937, Pamphlet Laws 313, 53 Purdon's Statutes 2224 et seq.

JURISDICTION.

Jurisdiction is invoked pursuant to Section 347 of Title 28 U.S.C. as more particularly set forth in the foregoing petition.

STATEMENT OF THE CASE.

The Summary Statement in the foregoing petition contains all material facts.

The questions of law to be considered are therein set forth as "Reasons Relied on for Allowance of the Writ," and will herein be discussed.

ARGUMENT.

(a) Local building laws are enacted under the police power of the State, and all permanent structures intended for private habitation must be erected in compliance therewith.

The Commonwealth of Pennsylvania and its political subdivision, the City of Philadelphia, in order to safeguard the health and lives of their citizens, have enacted certain laws and ordinances regulating in detail the structural erection of, and plumbing installation in, buildings intended for human habitation within their respective jurisdictions. These laws and ordinances constitute an exercise of the police power which was expressly reserved to the several states by the 10th Amendment to the Federal Constitution: PENN DAIRIES v. MILK CONTROL COMMISSION, 318 U. S. 261, 87 L. ed. 749. Notwithstanding the unquestioned right of the State to regulate such buildings, the Federal Housing Administrator in carrying out the Federal program for providing additional housing for persons employed by industries engaged in manufacture of war materials, completely ignored various material provisions of said laws

and ordinances, and proceeded to erect permanent dwelling units in direct violation thereof.[1]

At the hearing of this case in the District Court it was admitted on behalf of the Government that the dwelling units here involved were intended to be permanent structures,[2] and under the provisions of the Lanham Act, ultimately to be sold to private individuals following the conclusion of the pesent national emergency.[3] The Constitution forbids inequality in the protection of the state laws to all persons within its jurisdiction, and a resident who occupies living quarters erected within this Commonwealth by the Federal Government is entitled to the same guarantees as one who resides in a dwelling erected by private persons in conformity with local laws. This is the clear import of the 14th Amendment to the Federal Constitution which guarantees to every person within a state the equal protection of the laws thereof, and when these dwelling units constructed as they have been, in violation of the local laws, are sold to private citizens for their occupancy, the incongruous situation will be created whereby the City of Philadelphia will be required either to enjoin the occupancy of those dwellings for human habitation or to permit such occupancy contrary to the local laws and to the provision of the Federal Constitution above referred to.

The present case involves more than the mere right of the Government to erect housing in furtherance of its prosecution of a war. The buildings here involved are permanent in kind and nature, erected under the provisions of the Lanham Act which authorized their construction, and are to be sold to the public, and to remain as additions to the local housing facilities. Hence it is clear that those buildings serve a dual purpose, one in furtherance of the Government's present war efforts, the other as a peace-

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[1] See Appellant's Appendix in Circuit Court of Appeals 47a.
[2] See Appellant's Appendix in Circuit Court of Appeals 50a.
[3] Lanham Act, 42 U. S. C. Sec. 1524.

time measure wholly disassociated with its prosecution of war.

We therefore submit that the decision of the lower court is clearly erroneous in that it emphasizes only one phase of these structures and completely ignores the other. When in the Lanham Act Congress declared as the ultimate purpose of these housing projects that they be conveyed to private individuals for dwelling purposes, the federal agency in proceeding under that act was charged with the necessity of building houses in conformity with local laws and regulations in order that in the disposition of these houses to private individuals and parties, such sales may be properly made, and the purchasers may lawfully be permitted to occupy and maintain them.

Even if it be assumed that the Federal Government by virtue of its war powers was authorized to erect the houses in question in disregard of local building and sanitation laws, it is manifest that the power to own and maintain houses so constructed cannot be conferred upon individuals. And the necessary result of building permanent houses with the express intention of ultimately disposing of same to private parties for their individual use, is to authorize the purchasers thereof to maintain and occupy such houses in violation of the local laws although the other residents of that community are required to comply with those laws.

This vital factor in the instant case appears to have been entirely overlooked by the Circuit Court of Appeals, which in its opinion said:

> "The fact that the buildings here were permanent and not temporary structures furnishes no adequate ground for distinguishing the case from the one before this court in United States of America v. City of Chester."

As an informative precedent of the Federal Government's regard for local laws in the construction of permanent housing, we respectfully invite the Court's attention to the construction by the Government, through the Emergency Fleet Corporation, of the large number of dwellings

in the City of Philadelphia during the first world war of 1917-18. As in the instant case, those houses were intended to be sold and disposed of to private parties and persons, and in fact were erected in full accord and compliance with the local building and sanitary laws. On the other hand it appears that in the prosecution of the present war the Federal Government erected dwelling units in the City of Portland, Maine, which were recently the scene of a disastrous conflagration, attributable in a large degree to the fact that the buildings had been erected below the standard of the requirements of the local building laws and regulations, and in violation thereof.

(b) The erection by the Federal Government of permanent dwelling units ultimately intended for use and occupancy by private individuals, must be in compliance with the local building and sanitation laws.

The use of the buildings here involved in furtherance of the war effort constitutes only a part of the declared purpose of Congress in the Lanham Act which authorized their construction. These buildings, admittedly being permanent structures, differ fundamentally from those involved in the case of the United States v. City of Chester. The buildings there involved were intended solely for use during the war emergency. Upon the conclusion of the war they will no longer be used for habitation.[4] However, as respects the buildings involved in the instant case, Congress has directed that they be sold for private use. When that provision becomes effective, immediately the status of those buildings shall have been altered from a project directly connected with the prosecution of the war to a purely peacetime objective, namely that of erecting buildings to become a part of the dwelling facility of the City of Philadelphia. While the war purpose may have been the immediate one

[4] Lanham Act.

which Congress envisioned, the Lanham Act does not define any such distinction between that purpose, and that of the ultimate disposition of said buildings to private individuals in no wise connected with the war effort, as to indicate that one purpose is paramount or superior to the other.

From the very fact that Congress has declared its intention to sell these structures to private owners, the conclusion is inevitable that they must be erected in conformity with the local laws in order that they be inhabitable by private persons. It is inconceivable that Congress could have intended to sanction the sale of housing units which could not be occupied without the violation of local law, and in defiance of the provisions of the 14th Amendment guaranteeing to all inhabitants of the State the equal protection of its laws.

(c) An expression in an Act of Congress of an intent to sell housing facilities to private individuals necessarily involves a mandate that such facilities conform to the standards of health and safety established by the local law.

The lower courts appear to have relied upon two sections of the Lanham Act in support of their decisions, namely 1521 (b) and 1548.[5]

Upon examination of the first of these, it will be noted that Federal, State and Municipal laws, ordinances, rules or regulations which may be disregarded are expressly limited to a class. The Act first refers to Section 1339 of Title 10, which is an Act regulating the construction of permanent barracks, quarters and buildings for the Army, and provides that detailed estimates must first be submitted to Congress for approval. The second law which may be disregarded is Section 5 of Title 41, which is an

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[5] Appendix, pages 19, 22.

Act regulating advertising in connection with contracts for furnishing supplies and services to the Federal Government; and the third Act which may be disregarded is Section 40A of Title 40, now numbered Section 278 (a) of Title 40, which regulates maximum rentals of buildings leased to the Government.

Under the doctrine of "ejusdem generis", general words following specific words are limited to the same class as the specific group: PHEZ CO. v. UNITED STATES, 25 Fed. (2d) 1011, 1012; ALABAMA POWER CO. v. GULF POWER CO., 283 Fed. 606, 619. Thus it necessarily follows that the Federal, State and Municipal laws, ordinances, rules or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor, is limited in its application to regulations similar to those contained in the specific Acts of Congress recited.

It is evident that what Congress intended was the avoidance of such formal requirements as would result in delay in awarding contracts during the period of national emergency. There is nothing in the language of this section which can reasonably give rise to the conclusion that Congress intended to set aside all building, housing and sanitation laws in effect in the localities in which such housing projects might be erected. There is no legislative intent disclosed to change the type of housing from the purpose expressly declared in the Act, namely, of supplementing homes which ordinarily are built by private capital. In that view the provisions of the Lanham Act are entirely consistent, and do not indicate any conflict between Federal purpose and local police regulations. Especially is this true when, as in the instant case, the construction program involves permanent buildings intended to be continued in existence after the passing of the present emergency, and to become integrated into the general housing facilities of the City of Philadelphia.

Section 1548 of the Lanham Act[6] nowhere expressly states or even gives rise to the implication that standards established by the Administrator shall supersede local statutes, ordinances and regulations. This provision seems to be similar in purpose to the provisions contained in the Low Rent Housing Act (42 U.S.C. 1408) which vests in the Authority power from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of that Act.

The manifest intention of Congress was that the Administrator should establish minimum standards, which would be effective in those districts where local standards might be deemed insufficient. Clearly there is no Congressional purpose expressed in the Act or implied therein to substitute the plans of the Administrator for the standards established by State statutes and Municipal ordinances.

We submit that any other interpretation of this section would involve an unconstitutional delegation of legislative power. The enactment of such regulations, if intended to supplant, rather than supplement, existing State law, is a legislative function which cannot be exercised by a purely administrative official. See: SCHECHTER v. UNITED STATES, 295 U. S. 495, 531, 79 L. ed. 1570, 1580, 55 Sup. Ct. 837; CARTER v. CARTER COAL CO., 296 U. S. 238, 311, 80 L. ed. 1160, 1189, 56 Sup. Ct. 853. The Lanham Act establishes no standards, restrictions or limitations to be observed by the Administrator, except that said regulations be "reasonable", a term too broad and flexible to be regarded as a fixed standard.

Section 1521 of that Act[7] sets forth in the introductory paragraph the objective sought by the Act. It is noteworthy that the statement of the purpose thereof clearly indicates that Federal action is intended only to supplement housing provided by private capital, and there is no suggestion of any intent that Federally built houses shall differ

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[6] Appendix, page 22.

[7] Appendix, page 19.

in any respect from those built privately and in compliance with the State law.

Section 1545 of the Lanham Act[8] provides for consultation with local public officers in order that the housing to be erected shall so far as may be practicable, conform in location and design to local planning and tradition. The legislative history of the above provision indicates an explicit purpose on the part of Congress that that provision shall apply to housing intended to become a permanent part of the housing facilities of the community as is the situation in the instant case.[9] It is manifest that the provisions of the Lanham Act above referred to (42 U.S.C. 1545) are mandatory. At the hearing in the instant case no evidence whatever was adduced to the effect that such consultations had taken place. The announcement of an intention to erect a project is manifestly not consultation; the latter word connotes the filing of plans, discussion, consideration of various modifications, and ultimate agreement among the parties respecting the plans of, and the manner of proceeding with, the construction.

Section 1547 of the Lanham Act[10] reserves to the States and their municipal subdivisions, civil and criminal jurisdiction over these housing projects. Congress thereby expressly included the preservation of the jurisdiction of the State over property and necessarily must have intended that building and housing and sanitation laws relating to the use of property were thus reserved to the States and their political subdivisions. See: PENN DAIRIES v. MILK CONTROL COMMISSION, 318 U. S. 261, 280, 281, 87 L. ed. 749.

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[8] Appendix, page 22.

[9] House Hearing before the Appropriation Committee on H. Res. 258 (Public 371, 77th Congress) p. 9.
Hearings before House Committee on Public Buildings and Grounds on N. H. 6482 and 6483 (Public Law 522, 77th Cong.) Jan. 30, 1942, p. 95.
Hearings before the House Committee on Public Buildings and Grounds on H. R. 732 (Pub. Law 723, 77th Cong.) June, 1942, p. 166.

[10] Appendix, page 22.

(d) The supremacy clause of the Constitution does not empower an administrative officer of a Federal housing agency to ignore local regulations regarding structural safety and sanitation of dwelling units, in the absence of express Congressional authorization to that effect. Such authorization is not contained in the Lanham Act and cannot be supplied by implication.

On behalf of the Federal Government this case was submitted to the District Court on the bald proposition that said Government need not offer evidence of any necessity or compelling circumstances necessitating the violation by it in the construction of the building here involved of local building and sanitation laws.[11] The offer by the City of Philadelphia to establish by evidence that the local laws were generally complied with by private builders during the emergency period was denied by the ruling of the Court excluding such evidence.[12] Hence for the lower court to base its decision upon the doctrine of necessity is contrary to the facts, and not supported by any evidence whatsoever adduced at the trial.

If the decision of the lower court be held to be correct, it would follow that a Federal administrative officer may arrogate to himself the sole right to determine whether or not he will comply with various salutary provisions of local building and sanitation laws which are applicable to all housing facilities in the community. If he elects not to comply therewith, he thereby deprives the owners and occupants of such facilities and the community in general of their right to the equal protection and divers safeguards to their health and welfare, on a par with the other citizens and residents of the same community occupying other housing facilities.

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[11] See Appellant's Appendix page 25a, USCCA 3d Circuit, Oct. Term, 1944, No. 8763.

[12] See Appellant's Appendix in U.S.C.C.A. pages 35a-36a.

CONCLUSION.

It is with serious concern that we survey the opinions of the District and Circuit Courts in the instant case, because of their far-reaching effect and because they intimately involve the health and welfare of the community. While we may be reconciled to the fact that during the period of the war plumbing, heating, yard space, foundation walls, fire protection and other factors entering into the construction of temporary dwellings, be sub-standard in divers respects, our concern is allayed somewhat in the thought that immediately upon the termination of the war such structures will be demolished and those unsafe and unsanitary features in our housing facilities will be eliminated. For that reason we can accept, at least as practicable, the decision in United States of America v. City of Chester, the housing facilities there involved being of such temporary nature.

In the instant case, however, with all due deference, we submit that the lower court failed entirely to comprehend and give expression in its opinion to the gravity of the situation confronted by the City of Philadelphia and its inhabitants as respects the ultimate use of the housing facilities involved herein. These facilities are constructed, insofar as local laws are concerned, in a sub-standard manner as respects material, facilities, spacing and safeguards against health and fire hazards, to such a degree as to create sub-standard houses of the very kind that local communities and the Federal Government itself has in recent years by legislative enactments endeavored to remove from all communities throughout the United States.

Aside from the undesirable low standards of housing facilities thus created, when the Federal Government, upon the termination of the present emergency, proceeds to sell these buildings to private parties, the purchasers will be confronted with the dilemma of the ownership of buildings

constructed contrary to the local laws and which they are forbidden to occupy. And if for some unknown and unforeseen reason or other the purchasers should be permitted to use said buildings for habitation purposes, the situation created would constitute an inequality in the enforcement of the law, in contravention to the 14th Amendment of the Federal Constitution guaranteeing equal protection of the laws to all the inhabitants of the several states.

The likelihood of a conclusion of the present war emergency in the not too far distant future should in no degree affect the legal position of the petitioners-defendants herein. The Federal Government will probably hereafter erect dwelling units not only under its war powers, but under other of its delegated constitutional powers, and whether or not local laws and regulations are applicable and enforceable in such projects will inevitably come into question. We submit that the widespread importance thereof warrants its consideration in the instant case, especially in view of the fact that no ruling by your Honorable Court upon this vital issue appears in the reported cases.

Respectfully submitted,

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APPENDIX.

PERTINENT PROVISIONS OF THE ACT OF CONGRESS OF OCTOBER 14, 1940, c. 862 (LANHAM ACT) 42 U.S.C. 1521 ET SEQ.

§ 1521. In order to provide housing for persons engaged in national-defense activities, and their families, and living quarters for single persons so engaged, in those areas or localities in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities and that such housing would not be provided by private capital when needed, the Federal Works Administrator (hereinafter referred to as the "Administrator") is authorized:

(a) To acquire prior to the approval of title by the Attorney General (without regard to section 1339 of Title 10 and section 5 of Title 41), improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to sections 40a and 34 of Title 40, or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under sections 257, 258, 361-368, and 258a-258e of Title 40).

(b) By contract or otherwise (without regard to section 1339 of Title 10, section 5 of Title 41, and section 40a of Title 40, or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor) prior to the approval of title by the Attorney General to make surveys and investigations, plan, design, construct, remodel, extend, repair, or demolish structures, buildings, improvements, and community facilities, on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (transfers of

which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provisions of law), provide proper approaches thereto, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, machinery, and do all things necessary in connection therewith to carry out the purposes of this subchapter: PROVIDED, That the cost-plus-a-percentage-of-cost system of contracting shall not be used, but this proviso shall not be construed to prevent the use of the cost-plus-a-fixed-fee form of contract and so far as is consistent with emergency needs, contracts shall be subject to section 5 of Title 41: PROVIDED, That the cost per permanent family-dwelling unit shall not exceed an average of $3,750 for all types of construction for those units located within the continental United States nor an average of $4,250 for those located elsewhere (exclusive of Alaska), and the cost of no family-dwelling unit shall exceed $4,500 within the continental United States or $4,750 elsewhere, except in the Territory of Alaska, where the cost shall not exceed $7,500, exclusive of expenses of administration, land acquisition, public utilities, and community facilities, and the aggregate cost of community facilities shall not exceed 3 per centum of the total cost of all projects: PROVIDED FURTHER, That where the Administrator shall consider that there is no reasonable prospect of disposing of such housing to meet a need extending beyond the emergency he shall construct temporary units: PROVIDED FURTHER, That all items of cost with respect to each such family dwelling unit shall be separately estimated with a view toward economy, and no movable equipment shall be installed in such units, unless the Administrator shall, in any particular case, deem such installation to be in the public interest. Oct. 14, 1940, c. 862, Title I, § 1, 54 Stat. 1125, as amended Apr. 29, 1941, c. 80, § 1, 55 Stat. 147; June 28, 1941, c. 260, § 2, 55 Stat. 361; Jan. 21, 1942, c. 14, §§ 1, 11, 56 Stat. 11, 13.

§ 1524. It is hereby declared to be the policy of this subchapter to further the national defense by providing hous-

ing in those areas where it cannot otherwise be provided by private enterprise when needed, and that such housing may be sold and disposed of as expeditiously as possible: PROVIDED, That in disposing of said housing consideration shall be given to its full market value and said housing or any part thereof shall not, unless specifically authorized by Congress, be conveyed to any public or private agency organized for slum clearance and to provide subsidized housing for persons of low income: PROVIDED FURTHER, That the Administrator may, in his discretion, upon the request of the Secretaries of War or Navy transfer to the jurisdiction of the War or Navy Departments such housing constructed under the provisions of subchapters II-IV of this chapter as may be considered to be permanently useful to the Army or Navy. Oct. 14, 1940, c. 862, Title I, § 4, as added Jan. 21, 1942, c. 14, § 4, 56 Stat. 12.

§ 1531. It is hereby declared to be the policy of this subchapter to provide means by which public works may be acquired, maintained, and operated in the areas described in section 1532 of this title. As used in this subchapter, the term "public work" means any facility necessary for carrying on community life substantially expanded by the national-defense program, but the activities authorized under this subchapter shall be devoted primarily to schools, waterworks, sewers, sewage, garbage and refuse disposal facilities, public sanitary facilities, works for the treatment and purification of water, hospitals and other places for the care of the sick, recreational facilities, and streets and access roads. Oct. 14, 1940, c. 862, Title II, § 201 as added June 28, 1941, c. 260, § 3, 55 Stat. 361.

§ 1541. When the President shall have declared that the emergency declared by him on September 8, 1939, has ceased to exist (a) the authority contained in sections 1521, 1532, 1561, and 1562 of this title shall terminate except with respect to contracts on projects previously entered into or undertaken and court proceedings then pending, and (b) property acquired or constructed under subchapters II-IV (including schools and hospitals) shall be disposed of as

promptly as may be advantageous under the circumstances and in the public interest. Oct. 14, 1940, c. 862, Title III, § 4, 54 Stat. 1127; renumbered § 301, and amended June 28, 1941, c. 260, § 4 (a), 55 Stat. 363; Apr. 10, 1942, c. 239, § 1, 56 Stat. 212.

§ 1545. In carrying out the provisions of subchapters II-IV the Administrator is authorized to utilize and act through the Federal Works Agency and other Federal agencies and any local public agency, with the consent of such agency, and any funds appropriated pursuant to subchapters II-IV shall be available for transfer to any such agency in reimbursement therefor. Nothing in subchapters II-IV shall be construed to prevent the Administrator from employing or utilizing the professional services of private persons, firms, or corporations. Consultation shall be had with local public officials and local housing authorities to the end that projects constructed under the provisions of subchapters II-IV of this chapter shall, so far as may be practicable, conform in location and design to local planning and tradition. Oct. 14, 1940, c. 862, Title III, § 8, 54 Stat. 1127; renumbered § 305, June 28, 1941, c. 260, § 4(b), 55 Stat. 363, and amended Jan. 21, 1942, c. 14, § 7, 56 Stat. 12.

§ 1547. Notwithstanding any other provision of law, the acquisition by the Administrator of any real property pursuant to subchapters II-IV shall not deprive any State or political subdivision thereof, including any Territory or possession of the United States, of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property. As used in this section the term "State" shall include the District of Columbia. Oct. 14, 1940, c. 862, Title III, § 10, 54 Stat. 1128; renumbered § 307, and amended June 28, 1941, c. 260, § 4(b), 55 Stat. 363; Apr. 10, 1942, c. 239, § 3(b), 56 Stat. 212.

§ 1548. The Administrator is authorized to make such rules and regulations as may be necessary to carry out the provisions of subchapters II-IV, and shall establish reasonable standards of safety, convenience and health. Oct. 14,

1940, c. 862, Title III, § 11, 54 Stat. 1128; renumbered § 308, June 28, 1941, c. 260, § 4 (b), 55 Stat. 363.

ACT OF JUNE 7, 1911, P. L. 680.

AN ACT.

Providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the first class, and imposing fines, penalties, and forfeitures for violation thereof.

PENNSYLVANIA ACT OF ASSEMBLY ENABLING CITIES OF THE FIRST CLASS, ET AL TO REGULATE BY ORDINANCE THE CONSTRUCTION, ETC., OF ALL BUILDINGS AND LAND APPURTENANT THERETO.

AN ACT.

To enable cities of the first, second and second class A, incorporated towns, boroughs, and townships of the second class, to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and land appurtenant thereto; providing for the enforcement of such ordinances; and repealing existing laws.

SECTION 1. Be it enacted, &c., That, in addition to other remedies provided by law, and in order to promote

the public health, safety, morals, and the general welfare, all cities of the first, second, and second class A, incorporated towns, boroughs, and townships of the second class in this Commonwealth are hereby authorized and empowered to enact and enforce suitable ordinances to govern and regulate the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and to the sanitation and inspection of land appurtenant thereto, and the said ordinances may provide proper penalties not exceeding five hundred dollars ($500) for the violation of their provisions.

SECTION 2. In case any building or structure is constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of any ordinance enacted under authority conferred hereby, the corporate authorities of any city of the first, second, and second class A, incorporated town, borough, or township of the second class, in addition to the penalties provided by ordinances enacted herewith, may institute appropriate actions or proceedings at law or in equity to prevent and restrain such unlawful construction, reconstruction, alteration, repairs, conversion, maintenance, or use and to restrain, correct, or abate such violation, and to prevent the occupancy of said building or structure.

SECTION 3. The ordinances enacted pursuant to this act shall not be inconsistent with the provisions of any statute governing the same matter, but all regulations prescribed by such ordinances which are additional or supplementary to the statute law, and not inconsistent therewith, or enacted for the purpose of carrying into effect the provisions of the statute law, shall be valid and binding.

SECTION 4. The following acts are hereby repealed:

The act approved the eleventh day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, nine hundred and sixty-four), entitled 'An act to enable cities, incorporated towns, boroughs, and townships of the first class to govern and regulate by ordinance the construction, altera-

tion, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings used for human habitation and land appurtenant thereto; and providing for the enforcement of such ordinances.

The act approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand sixty-three), entitled 'An act creating in cities of the first class a Bureau of Building Inspection; regulating the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures, and the erection, encroachment, extension, repair, inspection, and use of party walls; defining certain words and terms used; repealing conflicting legislation; and providing penalties for violations of this act.' "

APPROVED—The 14th day of April, A. D. 1937.

GEORGE H. EARLE.

ORDINANCE OF CITY OF PHILADELPHIA APPROVED AUGUST 31, 1937, ADOPTING BUILDING CODE BY SAID CITY.

AN ORDINANCE.

To adopt a building code contained in the Act of May first, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand sixty-three), as the building code of the City of Philadelphia under the authority and power of Act eighty-seven, approved April fourteenth, one thousand nine hundred and thirty-seven, to be effective on September first, one thousand nine hundred and thirty-seven; to continue the Bureau of Building Inspection now existing to carry out the provisions of the said code; and to provide penalties.

WHEREAS, Act eighty-seven, approved April fourteenth, one thousand nine hundred and thirty-seven, of the

Commonwealth of Pennsylvania, authorizes and empowers the City of Philadelphia, inter alia, to enact and enforce suitable ordinances to govern and regulate the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilating, water supply, toilet facilities, drainage, use and inspection of all buildings and of land appurtenant thereto, which said authority and power becomes effective September first, one thousand nine hundred and thirty-seven;

AND WHEREAS, By virtue of the said Act, the Act approved May first, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand sixty-three), embodying a building code for cities of the first class and entitled "An Act creating in cities of the first class a Bureau of Building Inspection; regulating the erection, enlargement, alteration, repair, moving, removal, demolition and inspection of buildings and other structures and the erection, encroachment, extension, repair, inspection and use of party walls; defining certain words and terms used; repealing conflicting legislation; and providing penalties for violation of this act," was repealed, said repeal to take effect September first, one thousand nine hundred and thirty-seven; therefore

SECTION 1. THE COUNCIL OF THE CITY OF PHILADELPHIA ORDAINS, That the building code as contained in the Act of May first, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand sixty-three), and the authority creating a Bureau of Building Inspection in cities of the first class, is hereby adopted, to be effective on and after September first, one thousand nine hundred and thirty-seven, until such time as a new or modified code shall be adopted.

SECT. 2. Any person or persons violating the provisions of the aforementioned building code shall be subject to the penalties therein, not exceeding five hundred (500) dollars, and upon failure to pay same, shall be subject to imprisonment not exceeding thirty days.

SECT. 3. This ordinance shall become effective on September first, one thousand nine hundred and thirty-seven.

Approved the thirty-first day of August, A. D. 1937.

S. DAVIS WILSON,
Mayor of Philadelphia.

UNITED STATES CIRCUIT COURT OF APPEALS.
FOR THE THIRD CIRCUIT.

No. 8763. October Term, 1944.

UNITED STATES OF AMERICA

vs.

CITY OF PHILADELPHIA; RUFUS S. REEVES, Director of the Department of Public Health and HERBERT M. PACKER, Chief of the Division of Housing and Sanitation of the Department of Public Health of the City of Philadelphia,

Appellants.

APPEAL FROM THE FINAL DECREE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

Before PARKER and GOODRICH, Circuit Judges, and BARD, District Judge.

OPINION OF THE COURT.

(Filed Febuary 16, 1945.)

PER CURIAM.

This case will be affirmed for reasons adequately stated in the opinion of the District Judge. The fact that the buildings here were permanent and not temporary structures furnishes no adequate ground for distinguishing the case from the one before this Court in United States v. City of Chester, 3 Cir. 144 F. 2d 415. We gave careful consideration in that case to the real questions now before us and see no reason to modify the conclusions there announced.

Affirmed.

A true Copy:

Teste:

Clerk of the United States Circuit Court of Appeals for the Third Circuit.

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In the Supreme Court of the United States

OCTOBER TERM, 1944

No. 1207

CITY OF PHILADELPHIA; RUFUS S. REEVES, DIRECTOR OF DEPARTMENT OF PUBLIC HEALTH, AND HERBERT M. PACKER, CHIEF OF THE DIVISION OF HOUSING AND SANITATION OF THE DEPARTMENT OF PUBLIC HEALTH OF THE CITY OF PHILADELPHIA, PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

OPINIONS BELOW

The opinion of the district court (R. 55a–61a) [1] is reported in 56 F. Supp. 862. The opinion of the circuit court of appeals (Pet. pp. 27–28) is reported in 147 F. 2d 291.

JURISDICTION

The judgment of the circuit court of appeals sought to be reviewed was entered on February 16, 1945. The petition for certiorari was filed April 26, 1945. The jurisdiction of this Court is invoked under

[1] Appellant's appendix in the circuit court of appeals.

section 240 (a) of the Judicial Code, as amended by the Act of February 13, 1925.

QUESTION PRESENTED

Whether permanent buildings of a defense housing project constructed by the Federal Public Housing Authority under the Lanham Act of October 14, 1940, c. 862, 54 Stat. 1125, 42 U. S. C. secs. 1521–1564, must conform to state and local building regulations.

STATUTE INVOLVED

The statutory provisions involved are set forth in the Appendix, *infra*, pp. 8–10.

STATEMENT

Acting pursuant to the provisions of the Lanham Act, the President on November 20, 1940, and February 3, 1941, found that an acute shortage of housing which would impede national defense activities existed or impended in the Philadelphia area to the extent of 1,500 dwelling units (R. 4a, 21a, 52a–54a, 55a–56a). To meet this situation the Federal Works Administrator acquired a suitable site in Philadelphia and erected thereon during the summer and fall of 1941 a housing project known as "Passyunk Homes" consisting of 1,000 dwelling units (R. 46a, 56a). Included in the original plans and specifications for this project were provisions for the erection of a Community Building, a Maintenance Building, and a Commercial Facilities ("stores") Building (R. 27a, 56a). The actual construction of these three buildings was not begun, however, until October 1943 (R. 4a, 46a, 56a), when the Federal Public Housing

Authority,[2] acting through the Philadelphia Housing Authority,[3] let the construction contract to George H. Evans & Co., of Philadelphia. That company in turn entered into a contract with the Diletto Company for the installation of the plumbing called for in the Government's specifications and plans (R. 46a, 56a).

On October 20, 1943, Herbert M. Packer, Chief of the Division of Housing and Sanitation of the Department of Public Health of the City of Philadelphia, advised the Philadelphia Housing Authority by letter that it would be necessary for the Authority to file plans and secure permits to construct the buildings in question (R. 5a, 22a–23a, 46a, 56a–57a). The United States, nevertheless, proceeded with the construction of these buildings without filing any plans or applying for any permits (R. 5a, 50a, 57a). On December 28, 1943, Mr. Packer ordered Mr. Diletto to stop all plumbing work until he had complied with state statutes and rules and regulations of Plumbing Supervision adopted thereunder (R. 5a–6a, 23a, 51a–

[2] The Federal Public Housing Authority was created by Executive Order No. 9070, February 24, 1942, 50 U. S. C. App., Supp. III, sec. 601, which transferred to it the functions, powers and duties relating to defense housing which had been theretofore vested in the Federal Works Administration under the Lanham Act (cf. R. 3a, 55a).

[3] The Philadelphia Housing Authority is a body politic and corporate, created under the Housing Authorities Law of the Commonwealth of Pennsylvania of May 28, 1937, P. L. 955, and acts as agent of the United States, through the Federal Public Housing Authority, in the construction of housing projects under the provisions of the Lanham Act (R. 55a).

52a, 57a). As a result of this order the subcontractor refused to proceed with the plumbing work without court protection (R. 6a, 23a, 47a, 57a).

The United States thereupon filed in the United States District Court for the Eastern District of Pennsylvania a complaint seeking to enjoin the city of Philadelphia and its officers from interfering with the construction of the remaining buildings in the Passyunk Homes Housing project (R. 2a). The case came on for hearing before Judge Kalodner on February 18, 1944 (R. 24a), the essential facts having been previously agreed to by the parties (R. 25a, 45a–50a). The Government called one witness to prove the additional fact that the buildings in question were "part of the original project when the [Passyunk] Homes were started" (R. 27a). On July 17, 1944 the Circuit Court of Appeals for the Third Circuit decided *United States* v. *City of Chester*, 144 F. 2d 415, in which it held that local building regulations were not applicable to temporary housing projects constructed under the Lanham Act. The City of Philadelphia, petitioner herein, appeared as *amicus curiae* in the *City of Chester* case. On July 28, 1944, the trial court filed findings of fact, conclusions of law, and a written opinion sustaining the Government's right to injunctive relief in the instant case (R. 55a–61a). It rejected defendants' contention that the *Chester* case was distinguishable because here permanent buildings are involved. A final decree having been entered on October 3, 1944 (R. 62a–64a), defendants appealed to the United

States Circuit Court of Appeals for the Third Circuit. That court affirmed in a *per curiam* opinion relying upon its decision in the *Chester* case, the court holding that the fact that the buildings here were permanent did not distinguish its earlier decision (Pet. pp. 27–28).

ARGUMENT

The Lanham Act (Section 1521) [4] authorizes the Administrator "By contract or otherwise" to plan, design and construct buildings and community facilities "without regard to * * * any Federal, State or municipal laws, ordinances, rules, or regulations relating to plans and specification or forms of contract". As the court below held in the *City of Chester* case (144 F. 2d at p. 420), this provision was included by Congress to facilitate speedy construction of housing units in view of the war emergency, avoiding delays which might have resulted from attempts by local authorities to apply building codes, etc., to such projects.

Petitioners do not appear to be contending that this provision is unconstitutional.[5] Congress has the same power to protect federal housing projects against obstructive local police regulations as against state taxation. Cf. *Cleveland* v. *United States*, 323 U. S. 329.

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[4] The sections referred to are those shown in 42 U. S. C. Supp. III.

[5] Petitioners do suggest (p. 14) that the provision in Section 1548 that the Administrator "shall establish reasonable standards of safety, convenience, and health" contains an invalid delegation of legislative power. But cf. *United States* v. *Grimaud*, 220 U. S. 506, 516.

Petitioners argue that Section 1521 should not be construed to mean what it so plainly says, at least in so far as permanent buildings are concerned. But the authority to "plan," "design" and "construct" "without regard to * * * municipal laws, ordinances, rules, or regulations relating to plans and specifications" contains no exemption for permanent structures. Since a proviso in the same section of the Act authorizes the Administrator to "construct temporary units" in some circumstances, it is clear that Congress contemplated that both temporary and permanent structures would be built. The possible difficulties which may confront the Government if and when it seeks to dispose of the properties after the emergency, pursuant to Section 1541, do not justify disregard of the express congressional mandate.

Petitioners urge (p. 15) that the provision in Section 1547 that the acquisition of real property by the Administrator should not deprive the state or municipality of its "civil and criminal jurisdiction" shows that Congress did not intend to free the Administrator from the need for compliance with state building laws. If there were any conflict, the specific provision in Section 1521 dealing with laws "relating to plans and specifications" would clearly control. *United States* v. *City of Chester*, 144 F. 2d, at 421–422. In any event Section 1547 was intended only to declare that the United States will not acquire sovereignty over areas occupied by housing projects—to preserve the state's existing jurisdiction in the territorial sense, and not at all to grant it additional

authority to control the governmental conduct of the United States.

Petitioners also contend that the Administrator did not comply with the provision in Section 1545 for a consultation with local public officials. The record contains no evidence on this point. No such defense was raised in petitioners' answer (R. 20a–24a), and the trial court properly indicated that the burden of producing such evidence was on the petitioners-defendants (R. 61a).

CONCLUSION

The decision of the court below is correct and no conflict of decisions is involved. Therefore, the petition for a writ of certiorari should be denied.

Respectfully submitted.

HUGH B. COX,
Acting Solicitor General.
J. EDWARD WILLIAMS,
Acting Head, Lands Division.
ROGER P. MARQUIS,
GEORGE S. SWARTH,
ROBERT L. STERN,
Attorneys.

MAY 1945.

APPENDIX

The pertinent provisions of the Lanham Act of October 14, 1940, c. 862, 54 Stat. 1125, as amended, 55 Stat. 147, 361, 56 Stat. 11, 42 U. S. C., Supp. III, §§ 1521, *et seq.*, read as follows:

> § 1521. In order to provide housing for persons engaged in national-defense activities, and their families, and living quarters for single persons so engaged, in those areas or localities in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities and that such housing would not be provided by private capital when needed, the Federal Works Administrator (hereinafter referred to as the "Administrator") is authorized:
>
> * * * * *
>
> (b) By contract or otherwise (without regard to section 1339 of Title 10, section 5 of Title 41, and section 40a of Title 40, or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor) prior to the approval of title by the Attorney General to make surveys and investigations, plan, design, construct, remodel, extend, repair, or demolish structures, buildings, improvements, and community facilities, on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (transfers of which for this purpose

by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provisions of law), provide proper approaches thereto, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, machinery, and do all things necessary in connection therewith to carry out the purposes of this subchapter: * * * *Provided further*, That where the Administrator shall consider that there is no reasonable prospect of disposing of such housing to meet a need extending beyond the emergency he shall construct temporary units: * * *.

* * * * *

§ 1541. When the President shall have declared that the emergency declared by him on September 8, 1939, has ceased to exist (a) the authority contained in sections 1521, 1532, 1561, and 1562 of this title shall terminate except with respect to contracts on projects previously entered into or undertaken and court proceedings then pending, and (b) property acquired or constructed under subchapters II–IV (including schools and hospitals) shall be disposed of as promptly as may be advantageous under the circumstances and in the public interest.

* * * * *

§ 1545. In carrying out the provisions of subchapters II–IV the Administrator is authorized to utilize and act through the Federal Works Agency and other Federal agencies and any local public agency, with the consent of such agency, and any funds appropriated pursuant to subchapters II–IV shall be available for transfer to any such agency in reimbursement therefor. Nothing in subchapters II–IV shall be construed to prevent the Administrator from employing or utilizing the

professional services of private persons, firms, or corporations. Consultation shall be had with local public officials and local housing authorities to the end that projects constructed under the provisions of subchapters II–IV of this chapter shall, so far as may be practicable, conform in location and design to local planning and tradition.

* * * * *

§ 1547. Notwithstanding any other provision of law, the acquisition by the Administrator of any real property pursuant to subchapters II–IV shall not deprive any State or political subdivision thereof, including any Territory or possession of the United States, of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property. As used in this section the term "State" shall include the District of Columbia.

§ 1548. The Administrator is authorized to make such rules and regulations as may be necessary to carry out the provisions of subchapters II–IV and shall establish reasonable standards of safety, convenience, and health.

U. S. GOVERNMENT PRINTING OFFICE: 1948